

08/02/01  
JC928 U.S. PTO

08-06-01

Box 597 A

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002, OMB 0651-0032  
Patent and Trademark office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional application under 37 C.F.R. § 1.53(b))</small>	Attorney Docket No.	E-1823 CIP
	First Inventor or Application Identifier	Gao, et al.
	Title	An Isolated Yeast Promoter Sequence And A Method Of
	Express Mail Label No.	EJ743858943US

JC971 U.S. PTO  
09/921944

08/02/01

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
--	--

1. ☒ \*Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
3. ☒ Specification [Total Pages 18 ] a. ☒ Computer Readable Form (CRF)  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7 ]
5. Oath or Declaration [Total Pages ☐  
a. ☐ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: 09/632,314  
Prior application information: Examiner: Group/Art Unit: 1632

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	( 29171 )	or <input type="checkbox"/> Correspondence address below
Name	Stephen R. May	
Address	Intellectual Property Services, Battelle Memorial Institute, Pacific Northwest Division, P.O. Box 999	
City	Richland	State WA Zip Code 99352
Country	USA	Telephone (509) 375-2387 Fax (509) 375-4487

Name (Print/Type)	Stephen R. May	Registration No. (Attorney/Agent)	29,255
Signature	Stephen R. May	Date	Aug 2, 2001

SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, and DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> <b>For FY 2001</b> Patent fees are subject to annual revision		<b>Complete If Known</b>	
		Application Number	not yet assigned
		Filing Date	herewith
		First Named Inventor	Johnway Gao et al.
		Examiner Name	not yet assigned
		Group/Art Unit	not yet assigned
TOTAL AMOUNT OF PAYMENT		(\$) <b>355.00</b>	
		Attorney Docket No.	E-1823 CIP

<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account Number: <b>02-1275</b> Deposit Account Name: <b>Battelle Memorial Institute - PND</b> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status		<b>3 ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee</th> <th>Small Entity Fee</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105 130</td> <td>205 65</td> <td>Surcharge- late filing fee or oath</td> <td></td> </tr> <tr> <td>127 50</td> <td>227 25</td> <td>Surcharge- late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139 130</td> <td>139 130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147 2,520</td> <td>147 2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112 920*</td> <td>112 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113 1,840*</td> <td>113 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115 110</td> <td>215 55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116 390</td> <td>216 195</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117 890</td> <td>217 445</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118 1,390</td> <td>218 695</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128 1,890</td> <td>228 945</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119 310</td> <td>219 155</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120 310</td> <td>220 155</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121 270</td> <td>221 135</td> <td>Requesting for oral hearing</td> <td></td> </tr> <tr> <td>138 1,510</td> <td>138 1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140 110</td> <td>240 55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>141 1,240</td> <td>241 620</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142 1,240</td> <td>242 620</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143 440</td> <td>243 220</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144 600</td> <td>224 300</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122 130</td> <td>122 130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123 50</td> <td>123 50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126 240</td> <td>126 240</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581 40</td> <td>581 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146 710</td> <td>246 355</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149 710</td> <td>249 355</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>179 710</td> <td>279 355</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> </tbody> </table>		Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid	105 130	205 65	Surcharge- late filing fee or oath		127 50	227 25	Surcharge- late provisional filing fee or cover sheet		139 130	139 130	Non-English specification		147 2,520	147 2,520	For filing a request for reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 390	216 195	Extension for reply within second month		117 890	217 445	Extension for reply within third month		118 1,390	218 695	Extension for reply within fourth month		128 1,890	228 945	Extension for reply within fifth month		119 310	219 155	Notice of Appeal		120 310	220 155	Filing a brief in support of an appeal		121 270	221 135	Requesting for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,240	241 620	Petition to revive - unintentional		142 1,240	242 620	Utility issue fee (or reissue)		143 440	243 220	Design issue fee		144 600	224 300	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Petitions related to provisional applications		126 240	126 240	Submission of Information Disclosure Stmt		581 40	581 40	Recording each patent assignment per property (times number of properties)		146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))		149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))		179 710	279 355	Request for Continued Examination (RCE)	
Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid																																																																																																																
105 130	205 65	Surcharge- late filing fee or oath																																																																																																																	
127 50	227 25	Surcharge- late provisional filing fee or cover sheet																																																																																																																	
139 130	139 130	Non-English specification																																																																																																																	
147 2,520	147 2,520	For filing a request for reexamination																																																																																																																	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action																																																																																																																	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action																																																																																																																	
115 110	215 55	Extension for reply within first month																																																																																																																	
116 390	216 195	Extension for reply within second month																																																																																																																	
117 890	217 445	Extension for reply within third month																																																																																																																	
118 1,390	218 695	Extension for reply within fourth month																																																																																																																	
128 1,890	228 945	Extension for reply within fifth month																																																																																																																	
119 310	219 155	Notice of Appeal																																																																																																																	
120 310	220 155	Filing a brief in support of an appeal																																																																																																																	
121 270	221 135	Requesting for oral hearing																																																																																																																	
138 1,510	138 1,510	Petition to institute a public use proceeding																																																																																																																	
140 110	240 55	Petition to revive - unavoidable																																																																																																																	
141 1,240	241 620	Petition to revive - unintentional																																																																																																																	
142 1,240	242 620	Utility issue fee (or reissue)																																																																																																																	
143 440	243 220	Design issue fee																																																																																																																	
144 600	224 300	Plant issue fee																																																																																																																	
122 130	122 130	Petitions to the Commissioner																																																																																																																	
123 50	123 50	Petitions related to provisional applications																																																																																																																	
126 240	126 240	Submission of Information Disclosure Stmt																																																																																																																	
581 40	581 40	Recording each patent assignment per property (times number of properties)																																																																																																																	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																	
179 710	279 355	Request for Continued Examination (RCE)																																																																																																																	
<b>2 Payment Enclosed</b> <input type="checkbox"/> check <input type="checkbox"/> Money Order <input type="checkbox"/> Other																																																																																																																			
<b>FEE CALCULATION</b>																																																																																																																			
<b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th>Large Entity Fee</th> <th>Small Entity Fee</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 710</td> <td>201 355</td> <td>Utility filing fee</td> <td>355</td> </tr> <tr> <td>106 320</td> <td>206 160</td> <td>Designing filing fee</td> <td></td> </tr> <tr> <td>107 490</td> <td>207 245</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108 710</td> <td>208 355</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114 150</td> <td>214 75</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>		Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid	101 710	201 355	Utility filing fee	355	106 320	206 160	Designing filing fee		107 490	207 245	Plant filing fee		108 710	208 355	Reissue filing fee		114 150	214 75	Provisional filing fee																																																																																											
Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid																																																																																																																
101 710	201 355	Utility filing fee	355																																																																																																																
106 320	206 160	Designing filing fee																																																																																																																	
107 490	207 245	Plant filing fee																																																																																																																	
108 710	208 355	Reissue filing fee																																																																																																																	
114 150	214 75	Provisional filing fee																																																																																																																	
SUBTOTAL (1) (\$) <b>355</b>																																																																																																																			
<b>2. EXTRA CLAIM FEES</b> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee form below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>- 20 ** = 0</td> <td>X 0 = 0</td> <td>0</td> </tr> <tr> <td>Independent Claims</td> <td>3 - 3** = 0</td> <td>X 0 = 0</td> <td>0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Total Claims	Extra Claims	Fee form below	Fee Paid	7	- 20 ** = 0	X 0 = 0	0	Independent Claims	3 - 3** = 0	X 0 = 0	0	Multiple Dependent																																																																																																					
Total Claims	Extra Claims	Fee form below	Fee Paid																																																																																																																
7	- 20 ** = 0	X 0 = 0	0																																																																																																																
Independent Claims	3 - 3** = 0	X 0 = 0	0																																																																																																																
Multiple Dependent																																																																																																																			
<b>**or number previously paid, if greater, For Reissues, see below</b> <table border="1"> <thead> <tr> <th>Large Entity Fee</th> <th>Small Entity Fee</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>103 18</td> <td>203 9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102 80</td> <td>202 40</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104 270</td> <td>204 135</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>109 80</td> <td>209 40</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>110 18</td> <td>210 9</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table>		Large Entity Fee	Small Entity Fee	Fee Description	103 18	203 9	Claims in excess of 20	102 80	202 40	Independent claims in excess of 3	104 270	204 135	Multiple dependent claim, if not paid	109 80	209 40	**Reissue independent claims over original patent	110 18	210 9	**Reissue claims in excess of 20 and over original patent																																																																																																
Large Entity Fee	Small Entity Fee	Fee Description																																																																																																																	
103 18	203 9	Claims in excess of 20																																																																																																																	
102 80	202 40	Independent claims in excess of 3																																																																																																																	
104 270	204 135	Multiple dependent claim, if not paid																																																																																																																	
109 80	209 40	**Reissue independent claims over original patent																																																																																																																	
110 18	210 9	**Reissue claims in excess of 20 and over original patent																																																																																																																	
SUBTOTAL (2) (\$) <b>-0-</b>																																																																																																																			
		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) <b></b>																																																																																																																	

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Stephen R. May	Registration No (Attorney/Agent)	29,255
Signature	<i>Stephen R. May</i>	Telephone	(509) 375-2387
		Date	Aug 2, 2001

SEND TO Assistant Commissioner for Patents, Washington, DC 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
J Gao, RS Skeen, BS Hooker, )  
DB Anderson )  
 )  
 )  
For: AN ISOLATED YEAST PROMOTER ) Our Ref. No: E-1823 CIP  
SEQUENCE AND A METHOD OF )  
REGULATED HETEROLOGOUS ) Date: August 1, 2001  
EXPRESSION )

STATEMENT IN ACCORDANCE WITH 37 C.F.R. 1.821(f)

I hereby state that the content of the paper and computer readable copies of the sequence listing, submitted in accordance with 37 C.F.R. 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Dated: Aug 2, 2001

By: Stephen R. May  
Stephen R. May  
Reg. No. 29,255

0991944-03001  
T02080-446T2660

EXPRESS MAILING LABEL #EJ743858943US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
J Gao, RS Skeen, BS Hooker, )  
DB Anderson )  
)  
)  
For: AN ISOLATED YEAST PROMOTER ) Our Ref. No: E-1823 CIP  
SEQUENCE AND A METHOD OF )  
REGULATED HETEROLOGOUS ) Date: August 1, 2001  
EXPRESSION )

CERTIFICATE OF MAILING

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The undersigned hereby certifies that the attached:

- ☒ [ X ] Patent Application of 18 pages, and
- ☒ [ X ] Drawings of 7 Sheets
- ☒ [ X ] Fee Transmittal (2 ea.)
- ☐ [ ] Assignment / Cvr. Sheet
- ☐ [ ] Combined Declaration and Power of Attorney
- ☒ [ X ] Paper copy Sequence Listing/Diskette/Statement
- ☐ [ ] Information Disclosure
- ☐ [ ] with attachments

are being deposited with the United States Postal Service as:

☐ [ ] First Class Mail

☒ [ X ] Express Mail - Label #EJ743858943US

in an envelope addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231, on the date set forth below.

Janice K. Laybourn  
Signature

8/2/01  
Date

Janice K. Laybourn K1-53  
Intellectual Property Services  
Battelle Memorial Institute  
Pacific Northwest Laboratories  
P.O. Box 999  
Richland, WA 99352  
(509) 375-2655

099444-000201